



North Coast Regional Water Quality Control Board

April 15, 2020

Mr. Brian Gerving,
Director of Public Works/Chief Building Official
City of Eureka
531 K Street
Eureka, CA 95501
bgerving@ci.eureka.ca.gov

Dear Mr. Gerving:

Subject: Proposed Modification of Cease and Desist Order No. R1-2016-0012

File: City of Eureka Elk River Wastewater Treatment Facility
WDID No. 1B82151OHUM, NPDES Permit No. CA0024449
Place ID CW-223010

Modified Cease and Desist Order (CDO) No. R1-2016-0012 and Modification Order No. R1-2020-2020 for the City of Eureka Elk River Wastewater Treatment Facility (Facility) are available for your review. The Draft Orders can be reviewed on the Regional Water Board Tentative Orders website:

https://www.waterboards.ca.gov/northcoast/board_decisions/tentative_orders/

On the basis of preliminary staff review and application of lawful standards and regulations, the California North Coast Regional Water Quality Control Board (Regional Water Board) proposes to adopt Modification Order No. R1-2020-2020 for the City of Eureka Elk River Wastewater Treatment Facility. This Order proposes modifications to existing Cease and Desist Order No. R1-2016-0012 that includes providing a fifteen-month extension for each task (Tasks 2A through 2F) in the schedule for compliance with the *Water Quality Control Policy for the Enclosed Bays and Estuaries of California*.

A public meeting to consider comments and objections to the proposed CDO modification is scheduled for June 18-19, 2020, at 8:30 a.m. or as announced in the Regional Water Board's agenda. The meeting will be held at 5550 Skylane Boulevard, Suite A, Santa Rosa, California. At the hearing, the Regional Water Board will consider

VALERIE L. QUINTO, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

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whether to affirm, reject, or modify the proposed WDRs. During the COVID-19 emergency, pursuant to the Governor's Executive Order N-29-20, the Water Boards are developing solutions to allow for upcoming board meetings to proceed by means of remote participation. Please follow our website at www.waterboards.ca.gov/northcoast for updates.

Please be aware that dates and venues may change. You can access the current agenda at our Board Meeting Agenda website: https://www.waterboards.ca.gov/northcoast/board_info/board_meetings/ for changes in dates.

A 20-day public comment period for the CDO modification begins **April 15, 2020**. The City must submit written copies of all technical reports, testimony, and other evidentiary material concerning this issue to NorthCoast@waterboards.ca.gov by 5:00 p.m. on **May 5, 2020**. This written material will be submitted to the Regional Water Board members and all interested persons along with the full agenda materials.

Only those conditions proposed for modification (as described in proposed Order No. R1-2020-0020) are subject to public comment. All other aspects of the existing CDO shall remain in effect and are not subject to modification by this amendment.

Written material received after the above date and time will not be accepted, except at the discretion of the Regional Water Board Chair. Untimely written material will not be accepted or incorporated into the administrative record if doing so would prejudice the Permittee or any other designated party. The Chair may choose to modify this rule upon a showing of severe hardship (California Code of Regulations, Title 23, Sections 648.1 and 648.4).

All those who plan to present evidence at the hearing must submit written statements to the Regional Water Quality Control Board by **May 5, 2020**. The statements should provide the name of the witness, his or her qualifications (if an expert), and the scope of intended testimony. Testimony at the above-scheduled hearing may summarize or explain timely submitted or late accepted written evidence but shall not add new written evidence. The time constraints for oral testimony or comments will be set by the Regional Water Board Chair and usually will allow no more than 10 minutes for the Regional Water Board staff and City staff and three minutes for other interested persons. A timer may be used, and speakers are expected to honor the time limits. Where speakers can be grouped by affiliation or interest, such groups will be expected to select a spokesperson and not be repetitive.

The draft modification Order, modified CDO, and associated files may be inspected or copied at the Regional Water Board office, 5550 Skylane Boulevard, Suite A, Santa Rosa, California. During the COVID-19 emergency and the Governor's Executive Order

N-22-30, appointments are required for document review and can be made by calling (707) 576-2220.

You may contact me at Cathleen.Goodwin@waterboards.ca.gov or (707) 576-2687 if you have any questions.

Sincerely,

 Digitally signed by Heaven Moore
Date: 2020.04.15 13:08:42 -07'00'
Water Boards

Cathleen Goodwin
Water Resources Control Engineer

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Certified-Return Receipt Requested

Enclosures: Draft Modification Order No. R1-2020-2020
Draft Modified Cease and Desist Order No. R1-2016-0012

cc: Amelia Whitson U.S. EPA, Region 9, NPDES Permits Office (WTR-2-3),
Whitson.Amelia@epa.gov
Jesse Willor, City of Eureka, jwillor@ci.eureka.ca.gov
Michael Hansen, City of Eureka, mphansen@ci.eureka.ca.gov
Eric Trevena, REHS, California Department of Public Health,
Eric.Trevena@cdph.ca.gov
Cristin Kenyon, California Coastal Commission, Cristin.Kenyon@coastal.ca.gov
Bob Merrill, California Coastal Commission, Bob.Merrill@coastal.ca.gov
Melissa Kraemer, California Coastal Commission,
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